

Staff Summary Report



Hearing Officer Hearing Date: September 18, 2007

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by the **MILLER RESIDENCE (PL070333)** located at 1324 West 11th Street for one (1) use permit.

DOCUMENT NAME: 20070918dsjc02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **MILLER RESIDENCE (PL070333)** (Jason Miller, applicant/property owner) located at 1324 West 11th Street in the R1-6, Single Family Residential District for:

ZUP07104 Use permit to allow the required parking in the front yard setback.

PREPARED BY: Jon Christopher, Planner II (480-350-8436)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

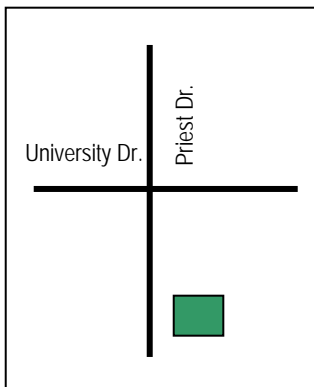
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LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-4

ADDITIONAL INFO: The Miller Residence is before the Hearing Officer to request a use permit to allow the required parking to be located in front yard setback. The applicant has enclosed their carport into livable space and therefore prompting the need to locate required parking in the front yard setback. To date, no opposition has been received to the request. Staff supports the use permit as proposed in this application.



PAGES:

1. List of Attachments
2. Comments; Reason(s) for Approval
3. Conditions of Approval; History & Facts/Description;
Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Letter of Continuation
5. Site plan
6. Floor plan
- 7-8. Staff Photograph(s)

COMMENTS:

The Miller residence is located south of University Drive and center of West 11th street. The original carport for the house has been enclosed into livable space and thus, the vehicle parking is located in the required front yard setbacks. The applicant indicates the previous owner had enclosed the carport to create a workshop.

After the applicant purchased the house he utilized the workshop area as a garage for parking his vehicle. However, the applicant later found it was difficult to park his vehicle inside this area due to the limited amount of space. Based on that issue, he decided to enclose the carport into livable space without obtaining a building or use permits. According to the applicant, he did not realize that he needed either a building permit or a use permit to park in the front yard setback.

Use Permit

The Zoning and Development Code requires a use permit for vehicle parking located in the required front yard setback in the R1-6, Single Family Residential District.

Evaluating the use permit, the proposal appears to pass the use permit tests listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - No potential nuisances.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposal would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of this request. This is a common use permit request for homes constructed during the 1960's and 1970's; these homes are typically smaller in livable space than newer constructed homes and the carport enclosure is a viable option for increasing the livable area of the home.

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.
5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S)
OF APPROVAL:

- 1. Obtain all the necessary clearances from the Building Safety Division.
- 2. The enclosed carport shall match the existing residence in design, color and material.
- 3. The applicant shall maintain his landscape as required per city code of Tempe (Art. I Nuisances, §§ 21-1—21-20).
- 4. Provide a landscape plan of the front yard showing additional landscape material to screen cars on driveway. Plan to include at least one (1) 24" box tree; details to be approved by staff. Provide plan for use permit file.

HISTORY & FACTS:

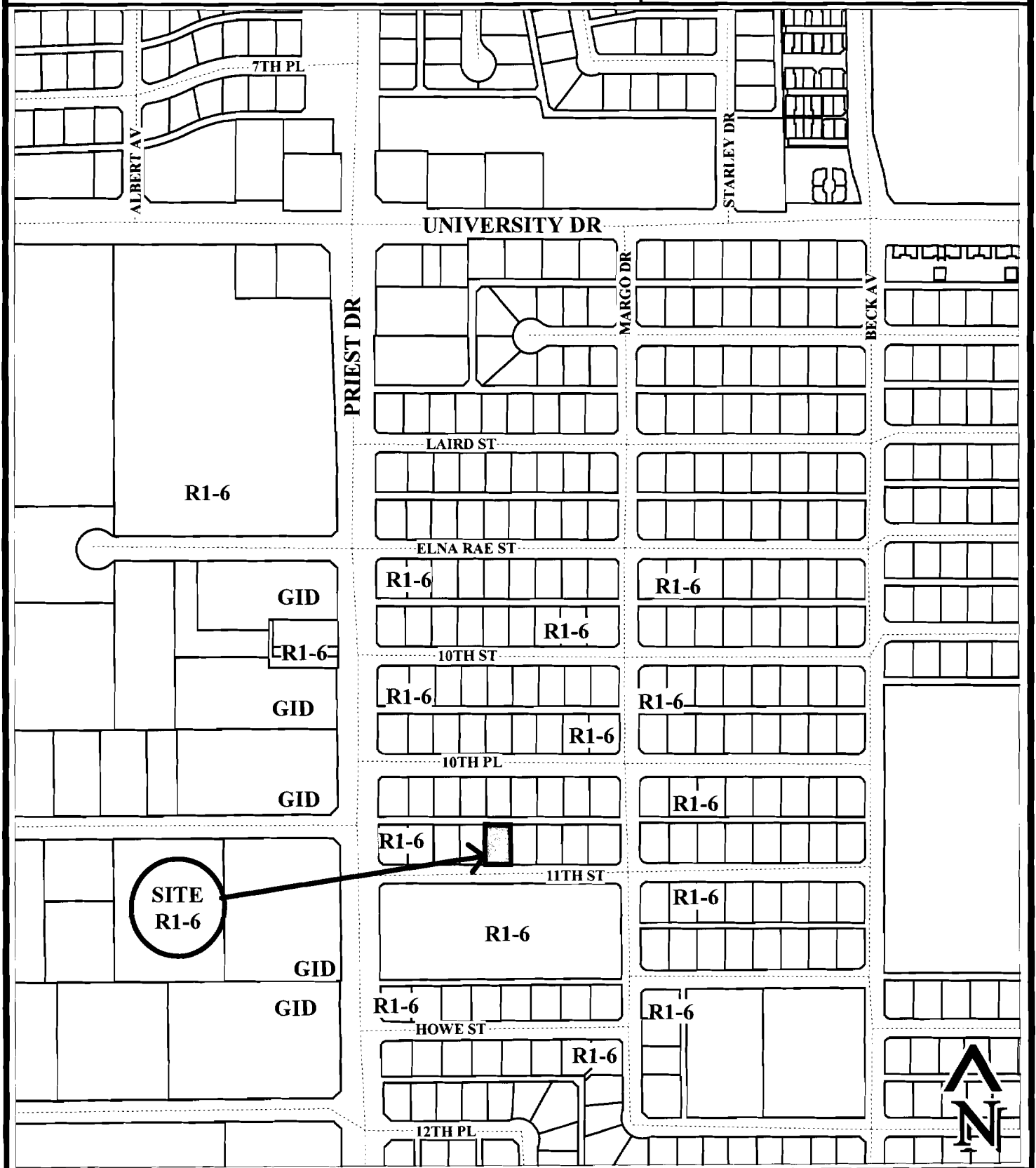
August 21, 2007	The Hearing Officer continued the current request to the September 18, 2007 due to inadequate posting.
April 07, 1995	The property was abated due to a junk vehicle parked in the front of the resident.
April 11, 1995	The property was abated due to overgrown oleander bushes.
March 30, 1995	The property was abated due to high weeds and grass in the backyard.
March 08, 1960	The Resident was under construction during the year of 1960

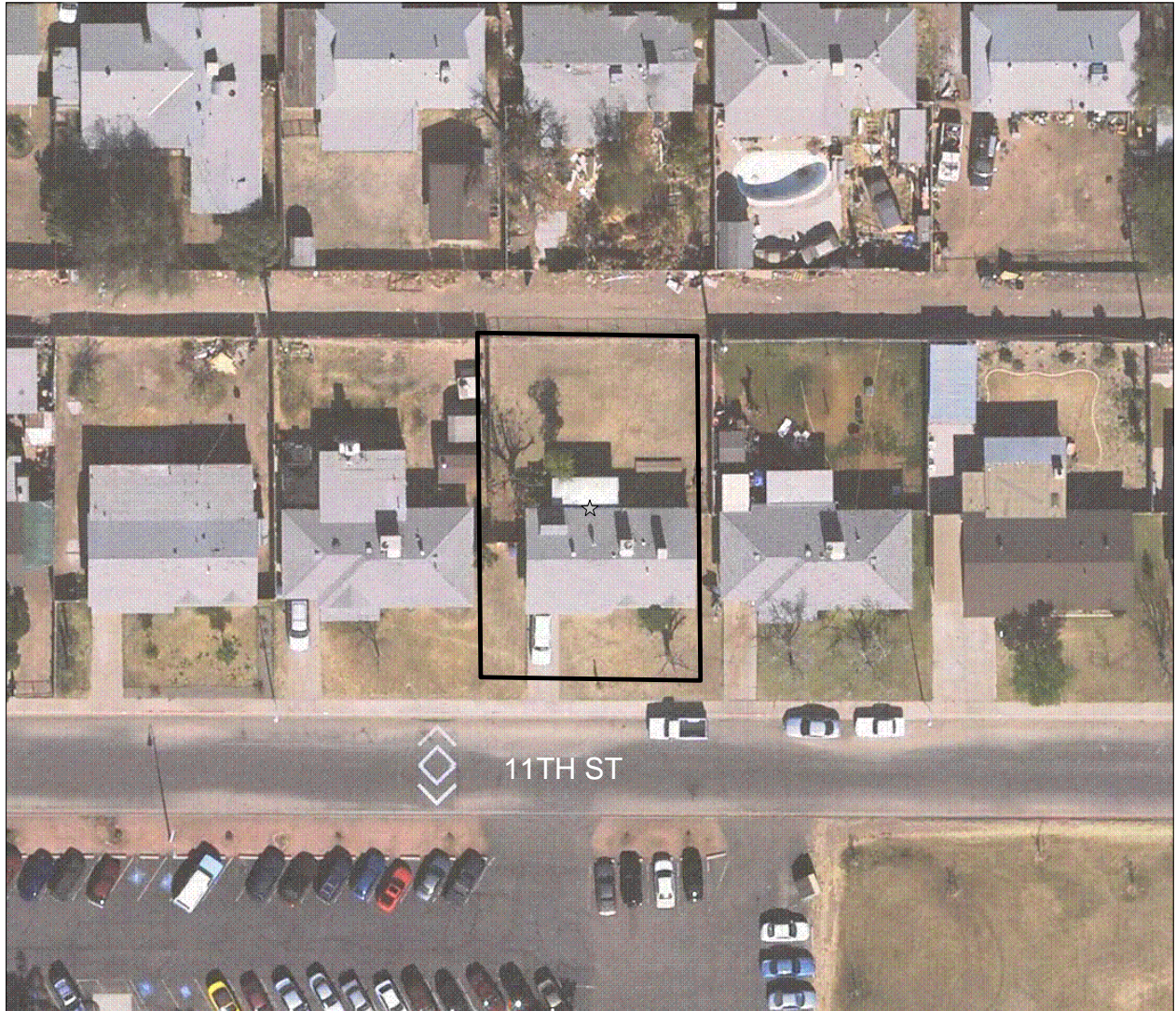
DESCRIPTION:

Owner – Jason Miller
Applicant – Jason Miller
Existing Zoning – R1-6, Single Family Residential District
Existing Home Area – 1,375 s.f.
Enclosed carport Area - 200 s.f.
Required front yard setback – 20 feet

ZONING AND
DEVELOPMENT
CODE REFERENCE:

Zoning and Development Code, Part 6, Section 6-308
Zoning and Development Code, Chapter 6, Section 4-602- B - 7

MILLER RESIDENCE
PL070333




MILLER RESIDENCE (PL070333)

Letter of Explanation 1324 W 11th Street

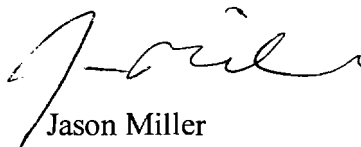
I bought the house at 1324 W 11th Street with a small garage that the previous owners used for storage. They made the entire right hand side of the carport a work area with carpenter materials. It had a workbench with hammers, nails, saws, etc. The rest of the carport was used to store all of their additional belongings. The garage door didn't even work. Because of this the previous owner locked the garage door so nobody could get into it from the outside.

Also, the size of the garage area was too small to fit my car or any other car. Because of all of this I had to figure out how to use the space most appropriately. The house has 3 bedrooms and only 1 shower. I decided to enclose the garage and put in another shower for the house. This now gives me a 3-bedroom, 2-½ bathroom house instead of a 3-bedroom, 1-½ bathroom house.

Having an extra bathroom makes getting ready in the morning easier for everyone living in the house. It elevates the stress of rushing through the morning and allows you to start each day of more relaxed and calm.

The reality of the situation was that the garage had not been used for parking for some time and it really wasn't big enough to adequately park vehicles. I then had to choose to use it as a storage room or convert it into livable space. No matter what I would have been parking in the driveway. I never even thought that parking would create a problem and I would have to get approval. I apologize for not looking into it before I did the construction and want to do everything I can to correct the situation.

Sincerely,



Jason Miller

Development Services
Department
(480) 350-8331 (Phone)

August 23, 2007

Mr. Jason Miller
4214 North 38th Street #B
Phoenix, Arizona 85018

FILE COPY

**RE: MILLER RESIDENCE
PL070333 / ZUP07104**

Dear Mr. Miller:

You are hereby advised that at the hearing held August 21, 2007, the Hearing Officer of the City of Tempe, acting in accordance with Section 1-305, Paragraphs C and D, of the Zoning and Development Code:

Continued the request by the **MILLER RESIDENCE (PL070333)** (Jason Miller, applicant/property owner) located at 1324 West 11th Street in the R1-6, Single Family Residential District for:

ZUP07104 Use permit to allow the required parking in the front yard setback.

This case is scheduled to be reheard at the **September 18, 2007 Hearing Officer hearing**, which will be held in the Council Chambers, 31 East Fifth Street, at 1:30 PM.

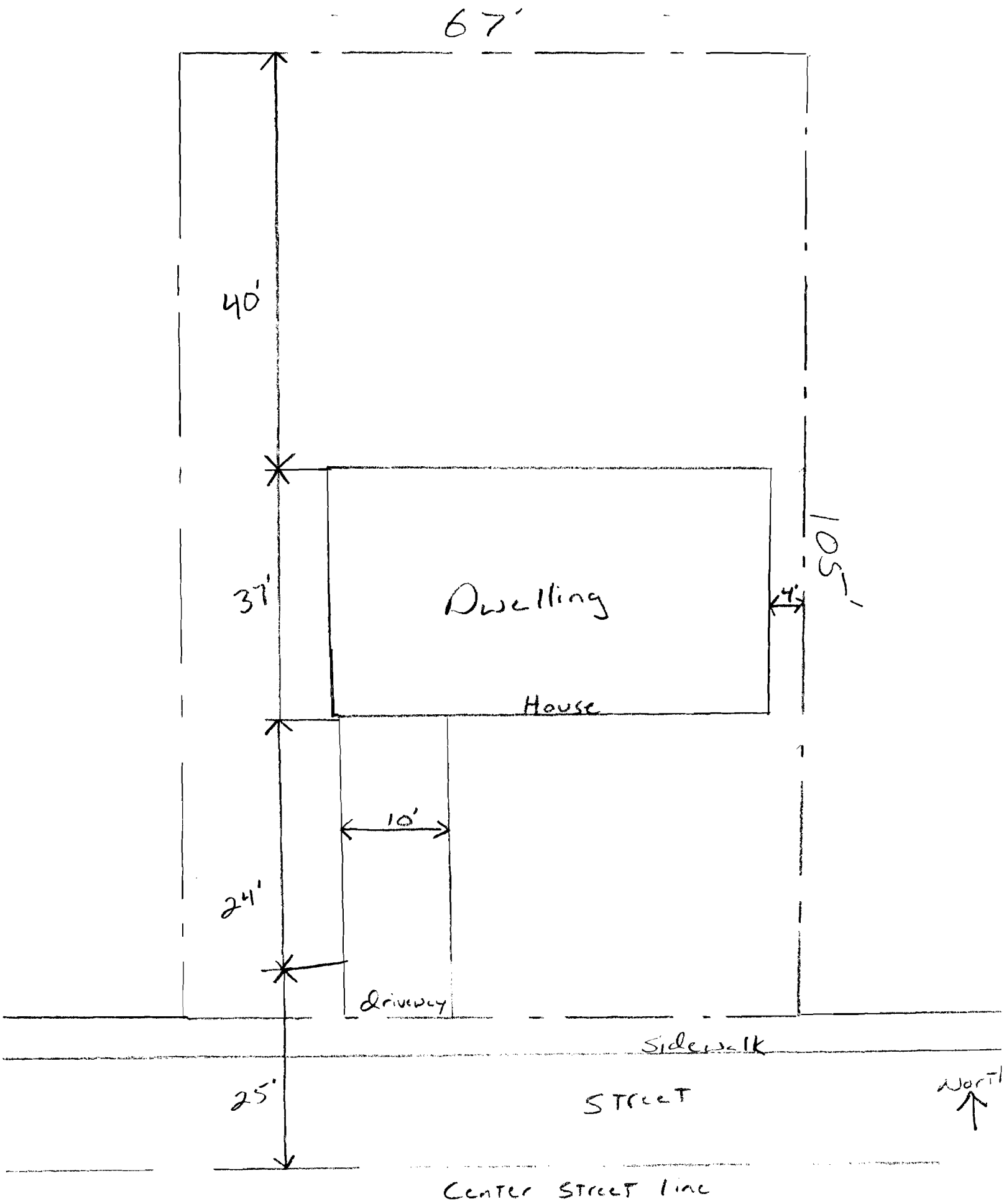
Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Christopher'.

Jon Christopher
Planner II

JC:dm

cc: Mr. Gregory Coughlin
File





MILLER RESIDENCE

1324 W. 11TH ST.

PL070333

FRONT OF RESIDENCE: VIEW TO NORTH



MILLER RESIDENCE

1324 W. 11TH ST.

PL070333

FRONT OF RESIDENCE: VIEW TO EAST